



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/555,544	08/01/2000	KWANG-LEONG CHOY	674505-2011	8846

20999 7590 10/19/2007

FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 10/19/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief  
(37 CFR 41.37)**

Application No.

09/555,544

Applicant(s)

CHOY ET AL.

Examiner

John Hoffmann

Art Unit

1791

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 24 September 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.  
**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

John Hoffmann  
Primary Examiner  
Art Unit: 1791

10-17-07

Continuation of 10. Other (including any explanation in support of the above items): As to 5: For example, there is no statement of the rejection based on 35 USC 102(b) of claims 45-50 and 52-56 as per page 2 of the final rejection of 12/27/2005 - a statement that they "are patentable" is not a statement of a grounds of rejection - such should also reflect the statute which forms the basis of the rejection. Also, half a page statement is not "concise"; Discussion of the reference is not appropriate for the concise statement. As to 6 reference to a prior argument is not an argument - for example the reference to prior arguments at page 8, lines 24-25 of the Brief does not meet the requirement that the brief has the argument - the Board should have all relevant arguments in the Brief. Moreover those prior arguments appear to refer to (rely on) an exhibit which is not indicated in the "Evidence Appendix" as having been entered by the examiner. As to 4 - for example, there is no explanation of the subject matter of independent claim 29 which refers to the drawings by reference character. It is noted that the above are EXAMPLES - they are not to be taken as an exhaustive list. The burden is on applicant to review the Brief for complete compliance with all the requirements of 37 CFR 41.37 - and not just correct the examples listed above. Failure to timely submit a proper Brief or other proper response may result in dismissal of the appeal and abandonment of the application..